vss

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3700 OF 1999

K.N. Manuel ... Petitioner

V/s.

Cantonment Executive Officer,
Pune & anr. ... Respondents

Mr.S.M. Dharap for Petitioner
Mr.V.G. Mujumdar for Respondent No.1

CORAM: **SMT.NISHITA MHATRE, J.**

DATED: **JULY 24, 2007**

ORAL JUDGMENT:

. The Petition challenges an order passed by the Labour Court dated 21.5.1997 on an application filed under section 33-C(2) of the Industrial Disputes Act.

2. The Petitioner was employed as an electrician with the Respondent Cantonment Board from 1.9.1950 to 30.11.1987. The petitioner retired on attaining the age of superannuation on 30.11.1987. He had opted for the pension scheme under the General Provident Fund scheme which came into existence in 1976. The petitioner was entitled to General Provident Fund, according to him, in view of the option exercised by him. At the time of retirement, the petitioner was paid less than what was due and payable to him on account of provident fund. Certain amounts were recovered from the leave encashment

paid to the petitioner on account of excess payment of provident fund. A recovery was also sought to be made from his provident fund dues. Aggrieved by the action taken by Respondent No.1 to recover amounts from his retiral dues, the petitioner filed an application u/s 33-C(2) of the I.D. Act. The Labour Court has held that the petitioner is entitled to an amount of Rs.3003.97 together with interest @ 6% per annum from the date of filing of the application till payment of the amount. The Labour Court rejected all other claims of the petitioner. The Labour Court did not accept the case of Respondent No.1 that the petitioner had withdrawn Rs.3417/- in April 1992 from his provident fund as there was no evidence to that effect on record. The Labour Court has rejected the case of the petitioner for payemnt of interest on account of delayed payment. The Labour Court held rightly that the claim for interest was beyond the scope of section 33-C(2) of the Act.

3. A submission had been made on behalf of the petitioner before the Labour Court that the interest accrued on investment in the provient fund amount was not credited to the provident fund account of all the employees of the Cantonment including the petitioner. It was therefore submitted that the Petitioner and other employees like him are entitled to a share in the

interest. This submission has rightly been rejected by the Labour Court as the dispute fell outside the scope of the jurisdiction of the Labour Court u/s 33-C(2) of the Act.

4. Undisputedly, the amount of Rs.3003.97 has already been paid to the Petitioner. An affidavit has been filed by the Chief Executive Officer, Pune Cantonment Board annexing the receipts for payment made to the petition in June 1998 and an amount of Rs.4055/- has been paid to him as awarded by the Labour Court.

5. There is no error in the order passed by the Labour Court on the application filed by the Petitioner u/s 33-C(2). As aforesaid, the Respondent No.1 has already paid the amount due to the petitioner and, therefore, no further relief need be granted in this petition. Petition dismissed. Rule discharged. No order as to costs.